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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,892	02/12/2002	Hirohisa Tasaki	1163-0390P	3563
2292	7590	02/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			AZAD, ABUL K	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,892

Applicant(s)

TASAKI, HIROHISA

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/12/02, 10/10/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Oshikiri et al. (US 6,202,046).

As per claim 1, Oshikiri teaches, “a speech coding method of selecting an excitation mode from a plurality of excitation modes, and encoding an input speech frame by frame with a predetermined length by using the excitation mode selected”, said speech coding method comprising the steps of:

“encoding in the respective excitation modes a target signal to be encoded that is obtained from the input speech, and outputting coding distortions involved in the encoding” (Fig. 49, element 928);

“comparing at least one of the coding distortions involved the encoding with one of three threshold values consisting of a fixed threshold value, a threshold value that is determined in response to signal power of the input speech and a threshold value that is

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determined in response to signal power of the target signal to be encoded" (col. 11, line 36 to col. 12, line 18); and

"selecting the excitation mode in response to the coding distortions involved in the encoding and a compared result at the step of comparing" (Fig. 49, element 927).

As per claim 2, Oshikiri teaches, "a speech coding method of selecting an excitation mode from a plurality of excitation modes, and encoding an input speech frame by frame with a predetermined length by using the excitation mode selected", said speech coding method comprising the steps of:

"encoding in the respective excitation modes a target signal to be encoded that is obtained from the input speech, and outputting coding distortions involved in the encoding" (Fig. 49, element 928);

"selecting one of the excitation modes in response to a compared result obtained by comparing the coding distortions involved in the encoding" (Fig. 49, element 927);

comparing the coding distortion corresponding to the excitation mode selected at the step of selecting with one of three threshold values consisting of a fixed threshold value, a threshold value that is determined in response to signal power of the input speech and a threshold value that is determined in response to signal power of the target signal to be encoded" (col. 11, line 36 to col. 12, line 18); and

"replacing the excitation mode selected at the step of selecting, in response to a compared result obtained at the step of comparing" (col. 35, lines 5-67).

As per claim 3, Oshikiri teaches, "wherein the step of selecting suppresses selecting the excitation mode that gives a compared result that the coding distortion is greater than the threshold value" (col. 11, line 35 to col. 12, line 18).

As per claim 4, Oshikiri teaches, "wherein the threshold value is prepared for each excitation mode" (col. 11, line 35 to col. 12, line 18).

As per claim 5, Oshikiri teaches, "a step of converting the coding distortion by replacing it with the threshold value, when a compared result obtained at the step of comparing indicates that the coding distortion greater than the threshold value, wherein the step of selecting selects an excitation mode corresponding to a minimum coding distortion among the coding distortions of all the excitation modes including the coding distortion output at the step of replacing" (col. 35, lines 31-67).

As per claim 6, Oshikiri teaches, "wherein the step of replacing selects a predetermined excitation mode when the coding distortion corresponding to the excitation mode selected at the step of selecting is greater than the threshold value" (col. 11, line 35 to col. 12, line 18).

As per claim 7, Oshikiri teaches, "the threshold value is set at a value constituting a predetermined distortion ratio to one of the input speech and the target signal to be encoded" (col. 11, line 35 to col. 12, line 18).

As per claim 8, Oshikiri teaches, "the step of deciding an aspect of speech by analyzing at least one of the input speech and the target signal to be encoded, wherein the step of selecting selects the excitation mode without using the compared result at

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the step of comparing, only when the step of deciding outputs a predetermined decision result" (col. 35 lines 31-67).

As per claim 9, Oshikiri teaches, "further comprising the steps deciding an aspect of speech by analyzing at least one of the input speech and the target signal to be encoded; and calculating a threshold value in response to a decision result at the step of deciding, wherein the step of comparing carries out its comparison using the threshold value calculated at the step of calculating the threshold value" (Fig. 3).

As per claim 10, Oshikiri teaches, "wherein the step of deciding makes a decision as to whether the aspect of speech is onset of speech or not" (Fig. 3).

As per claim 11, Oshikiri teaches, "wherein the plurality of excitation modes comprise an excitation mode that generates non-noisy excitation and an excitation mode that generates noisy excitation" (Fig. 49, element 928).

As per claim 12, Oshikiri teaches, "wherein the plurality of excitation modes comprise an excitation mode that uses non-noisy excitation codewords, and an excitation mode that uses noisy excitation codewords" (Fig. 49).

As per claims 13-17 they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-12.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'Azad' followed by a stylized flourish.

Abul K. Azad

February 21, 2005